



Legislative Department Seattle City Council Memorandum

Date: May 11, 2009

To: Councilmember Sally Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Tom Rasmussen, Member
Planning, Land Use and Neighborhood Committee (PLUNC)

From: Michael Jenkins, Council Central Staff

Subject: Evaluation of objectives and implementing actions for the multifamily code update

The Department of Planning and Development (DPD) has identified 7 objectives to support its rationale for updating the multifamily code. Since its last formal update in 1989, the multifamily code sections that provide use and development standards in 7 multifamily zones have come under fire by a broad range of the public and in the development community. The general criticism related to the existing multifamily code is that it promotes certain types of unwanted development, namely repetitive and poorly designed townhouse structures. Another common criticism of the multifamily code is that its development standards do not foster or support innovative designs for multifamily structures, unless the proposal is subject to the City's Design Review program. There has been minimal criticism directed to the amount of development occurring in these zones. However, DPD has expressed concerns that the City's growth targets for multifamily zones are not being fully realized.

DPD's seven objectives are detailed in the following chart, with my comments (in bold) for Committee members to consider as they proceed. I would appreciate hearing your answers to the following two questions:

1. Do you agree with the objectives, either fully or partially?
2. Are there additional objectives you think should be considered?

Committee members may also want to consider additional objectives, including:

1. A further review of DPD's growth target forecasts and assumptions.
2. Expanding the objectives to promote include a diversity of housing types (apartments, cottages, etc) on side streets in residential zones due to the dominance of apartments in commercially zoned mixed use projects.
3. Application of proposed development standards (green building, LEED, green factor, FAR) for nonresidential uses (Schools, Institutions, Public Facilities) permitted in residential zones.

DPD Recommendations

To implement the seven DPD objectives listed above, the Director's report includes the following eight recommendations – DPD's stated objectives are referenced with each of their recommendations:

1. Maintain the current overall scale and density of most Lowrise zones. (Objective #2).
2. Establish an incentive program for Lowrise 3 (L3), Midrise (MR) and Highrise (HR) zones in urban centers, urban villages and station areas to encourage affordable housing in exchange for additional height and floor area. (Objective #4).
3. Allow alternatives to overly prescriptive development standards - "flexibility with limits," including: (Objective #3, #5, and #6)
 - use basic standards -- setbacks, floor area ratio (FAR) and height limits -- on small (infill) lots;
 - apply additional standards -- lot coverage, structure width/depth limits -- on larger lots;
 - recognize local conditions -- to provide appropriate transitions, require greater structure setbacks from property lines on multifamily zoned lots abutting single family zoned lots;
 - replace current open space and landscaping requirements with residential amenity area and green factor requirements similar to provisions recently adopted in commercial zones.
4. Encourage landmark preservation through floor area bonuses, public amenities and the transfer of development potential (TDP) in HR zones. (Objective #4).
5. Improve the appearance and function of townhouses with new design standards, and an Administrative Design Review requirement. (Objectives #1 and #6).
6. Require green building construction when the incentive zoning program is used in L3, MR and HR zones. (Objective #3).
7. Eliminate parking requirements in urban centers and station areas, and reduce parking requirements in other areas, consistent with changes in commercial areas. (Objective #3 and #5).
8. Update and organize regulations so they are easier to understand and use. (Objective #7).

Options:

1. Further evaluate rationale for eliminating ability to rezone property to L4.
2. Evaluate whether to increase height limits from 25 feet to 30 feet in LDT, L1 and L2 zones, provided that potential impacts to single family zones are addressed.
3. Investigate options related to large lot development in LR and MR zones that do not continue the current cumbersome standards.
4. Other.

DPD Recommendation #2 - Modify existing criteria that support the designation of multifamily zones (DPD Objective #2)

The proposal revises criteria used to evaluate rezone requests. The proposal also calls for changes that would specify that certain zones (L3 and MR) are only appropriately located inside of urban villages and located outside of steep slopes and other environmentally critical areas. The rationale for the revisions is that existing criteria only allow rezones based on the scale and character of *existing* development. The proposal's intent is to allow zoning to be used to shape new development to further larger City or community goals. It is not clear how this relates to most of the DPD's stated goals and objectives concerning problematic development types, promotion of sustainable development and improving neighborhood character.

Options:

1. Further evaluate whether a change in the criteria is necessary and, if so, consider changes concurrent with either neighborhood planning or other legislation.
2. Other

DPD Recommendation #3 - Establish an incentive zoning program in L3 and MR zones that provide additional height and floor area when 'affordable' units are provided - (DPD Objective #2)

DPD Recommendation #4 - Encourage landmark preservation and public open space through floor area bonuses and transfer of development potential in the HR zone (DPD Objective #4).

- a. Establish incentive zoning in L3 and MR zones

The proposal would allow additional height in the L3, MR and HR zones through the provision of affordable housing. The proposal assumes additional development potential realized through Floor Area Ratio (FAR) would be permitted above a base FAR limit, similar to provisions in commercial and downtown zones. In the L3 zone, height could be increased from 30 to 37 feet. In Midrise zones, height could be increased from 60 to 75 feet.

b. Reduce and standardize setbacks; eliminate lot coverage and modulation standards

Currently, each multifamily zone has separate lot coverage, property line setbacks, structure width and depth standards and modulation standards. These standards also vary based on the building type (apartments versus townhouses). Public comments have stated that these standards limit, and some way negatively reinforce, certain building types and architectural innovation. In addition, the Midrise and Highrise zones also have varied structure width and depth standards; lot coverage is not specifically regulated in these two zones. These two zones also have a variety of standards related to wall widths based on floor size, distance from property lines, etc. The proposed code would generally standardize most setback standards in all zones; some specific standards would be applied based on distance from a single family zone or on lots greater than 9,000 square feet (See Objective 1c, above).

Options:

1. Further evaluate differences between density limits and FAR, with specific examples.
2. Look to the role of other factors (lot size, building code requirements) that may also limit architectural innovation.
3. Evaluate need for retention of existing setbacks based on distance and adjacency to single family zones.
4. Other

DPD Recommendation #6 - Improve the appearance of townhouses through specific development standards (DPD Objective #5)

Currently, the multifamily code does not specifically prescribe design features or elements (materials, minimum window areas, detailing on entrances or windows, decorative landscaping, etc.) for residential structures. When such design features are required (modulation, for example) the standard can be too prescriptive or does not provide enough design distinction for the structure. Design Review is currently required at thresholds (lot size, number of dwelling units) that fall below the level of development that is occurring in many neighborhoods; many townhouse developments are not subject to design review.

Options:

1. Evaluate proposed design standards.
2. Evaluate proposed design standards concurrent with pending revisions to the design review process.
3. Other

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PLUNC Committee
Re: Multifamily code

Next Steps

I have attached a one page calendar outlining a potential review schedule for the multifamily code update. The schedule assumes that the mayor's proposed legislation will be introduced on May 18; this does not assume that it will be approved in its present form. The review schedule provides for committee review at every other PLUNC meeting. The review would occur by zone; Lowrise first with Midrise and Highrise sections reviewed concurrently. There is also time reserved at the end of the process for committee members to evaluate how the initial framework established by the committee is reflected in the final code amendments. Specific dates have also been reserved for public meetings on the proposed code in various neighborhood locations. A brownbag session 'Zoning 101' has also been set aside for the end of May. The session will be a brief overview of frequently used terms in the multifamily code. The goal reflected in this timeline is approval of a slate of code amendments by December 2009.

Attached: Draft timeline